

**In the United States District Court
For the Southern District of Georgia
Waycross Division**

MELVIN DAMOND BENJAMIN,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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CIVIL ACTION NO.: 5:15-cv-67

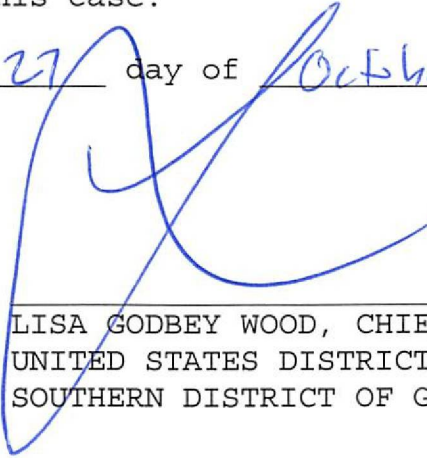
(Case No.: 5:13-cr-13)

ORDER

Presently before the Court is the Magistrate Judge's August 8, 2016, Report and Recommendation, (dkt. no. 12), to which Melvin Benjamin, ("Benjamin"), failed to file Objections. After an independent and *de novo* review of the entire record, the Court **CONCURS** with the Magistrate Judge's Report and Recommendation and **ADOPTS** the Report and Recommendation as the opinion of the Court. Consequently, the Court **GRANTS** Respondent's Motion to Dismiss, (dkt. no. 4), **DISMISSES** Benjamin's Motion to Vacate, Set Aside, or Correct his Sentence, filed pursuant to 28 U.S.C. § 2255, (dkt. no. 1), and **DENIES** Benjamin a Certificate of Appealability and *in forma pauperis* status on appeal. In addition, the Court **DISMISSES** as moot any

other Motions which are pending before the Court, including Benjamin's Motion for Order, (dkt. no. 13). The Court **DIRECTS** the Clerk of Court to enter the appropriate judgment of dismissal and to **CLOSE** this case.

SO ORDERED, this 27 day of October, 2016.



LISA GODBEY WOOD, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA